

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.)
)
SAMMY MONELL-OSORIO and CARLOS)
CAEZ-TORRES,)
Defendants.)
)
Case No. 3:22-cr-0017

ORDER

BEFORE THE COURT is Defendant Sammy Monell-Osorio's ("Osorio") unopposed motion to continue the jury selection and trial currently scheduled for August 16, 2022. (ECF No. 64). For the reasons stated herein, Osorio's motion is granted and the time to try this case is extended up to and including January 23, 2023.

Osorio seeks to have his trial continued due to the unavailability of his attorney on August 15, 2022. The Court finds that this matter is not particularly unusual or complex or that the indictment was not necessarily delayed. Nor would the denial of Osorio's request rise to the level of a 'miscarriage of justice.' However, from the outset of this matter, only one attorney has entered her appearance for Osorio, Assistant Federal Public Defender Melanie Turnbull. Because both co-defendants in this matter are on pretrial release, the Court finds that denying this continuance request would unreasonably deny Osorio continuity of counsel. *See 18 U.S.C. § 3161(h)(7)(B).* Therefore, weighing Osorio's own request, and his interest in continuity of counsel, the Court finds that the ends of justice served by the granting of this continuance outweigh the interests of the public, and of Osorio and his codefendant Carlos Caez-Torres ("Torres"), in a speedy trial. Especially where Torres has also filed a waiver of his right to a speedy trial. *See ECF No. 67.*

The premises considered, it is hereby

ORDERED that Osorio's motion to continue, ECF No. 64, is **GRANTED**; it is further

ORDERED that Torres' "motion waiver of speedy trial" is **MOOT**, because it requests no relief therein; it is further

United States v. Osorio, et al
Case No. 3:22-cr-0017
Order
Page 2 of 2

ORDERED that the time beginning from the date of this order granting an extension through January 23, 2023, **SHALL** be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that the parties **SHALL** each file a notice indicating their readiness for trial no later than January 11, 2023; it is further

ORDERED that the parties **SHALL** file and serve a pre-trial brief no later than January 16, 2023, which shall include the following: (a) proposed list of witnesses; (b) proposed list of exhibits; (c) estimated length of case-in-chief and case-in-defense; (d) proposed non-standard *voir dire* questions; and (e) proposed non-standard jury instructions related to the elements of the charges and defenses; it is further

ORDERED that the parties **SHALL** provide the Clerk of Court with a USB Flash Drive containing electronic versions of exhibits no later than January 18, 2023;¹ and it is further

ORDERED that the jury selection and trial in this matter previously scheduled for August 15, 2022, is hereby **RESCHEDULED** to commence promptly at 9:00 a.m. on January 23, 2023, in St. Thomas Courtroom 1 before Chief Judge Robert A. Molloy.

Dated: August 8, 2022

/s/ Robert A. Molloy

ROBERT A. MOLLOY

Chief Judge

¹ Counsel are advised to consult with Court technical staff to determine the proper format for saving electronic versions of exhibits. The Government's trial exhibits shall be labelled sequentially beginning with Government's Exhibit 1. Defense exhibits shall be labelled sequentially beginning with Defense Exhibit A.